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KILPATRICK  
STOCKTON LLP

Attorneys at Law

Suite 2800 1100 Peachtree St.  
Atlanta GA 30309-4530  
t 404 815 6500 f 404 815 6555  
www.KilpatrickStockton.com

direct dial 404 745 2458  
direct fax 404 541 3160  
MCogburn@KilpatrickStockton.com

September 2, 2005

FAX

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Aleta A. Mills  
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REFERENCE NO

5  
PAGES (WITH COVER)

44378/232454  
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COMMENTS

Please acknowledge receipt of the enclosed:

- 1) Transmittal Form (PTO/SB/21);
- 2) Submission of Substitute Reissue Declaration

Applicant(s): Cham, et al.  
Application No.: 09/879,002  
Filing Date: June 12, 2001  
Title: Treatment for Cardiovascular and Related Diseases

Attorney Docket No. 44378/232454

Atty/Para: JKM/lla

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PTO/SB/21 (09-04)

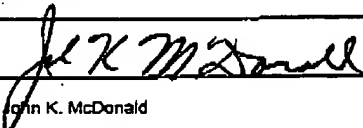
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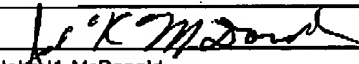
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<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/879,002	
	Filing Date	June 12, 2001	
	First Named Inventor	Cham, et al.	
	Art Unit	3762	
	Examiner Name	Bianco, Patricia	
Total Number of Pages in This Submission	6	Attorney Docket Number	44378/232454 (13131-0110)

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Submission of Substitute Reissue Declaration
<div style="border: 1px solid black; padding: 2px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Kilpatrick Stockton LLP		
Signature			
Printed Name	John K. McDonald		
Date	September 2, 2005	Reg. No.	42,660

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	John K. McDonald	Date	September 2, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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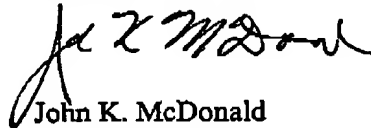
☒ 003/007

Reissue Application for  
U.S. Patent No. 5,911,698  
Issued: June 15, 1999

*Submission of Substitute Reissue Declaration*

If the Examiner believes any informalities remain in the application that may be corrected by Examiner's Amendment, or there are any other issues that can be resolved by telephone interview, a telephone call to Aleta Mills (404) 815-6409 is respectfully solicited.

Respectfully submitted,



John K. McDonald  
Reg. No. 42,860

KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia 30309-4530  
(404) 815-6500  
Docket: 44378/232454 (13131-0110)

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
                    **Cham, et al.** )  
 )  
Reissue Application for: )  
                    **U.S. Patent No. 5,911,698** )  
                    **Issued: April 22, 2003** )  
 )  
Application No.: **09/879,002** )     Art Unit:     **3762**  
 )  
Filed:             **June 12, 2001** )     Examiner:   **Bianco, Patricia**  
 )  
For:              **TREATMENT FOR** )  
                    **CARDIOVASCULAR AND** )  
                    **RELATED DISEASES** )  
 )  
Docket No: 44378/232454  
                    (13131-0110)

**DECLARATION FOR REISSUE APPLICATION BY THE INVENTORS**

I declare that:

1. My residence, mailing address, and citizenship are stated below next to my name.
2. I believe I am the original, first and joint inventor of the subject matter which is described and claimed in U.S. Patent No. 5,911,698 (hereinafter the '698 Patent), granted June 15, 1999, and for which a reissue patent is sought on the invention entitled "Treatment for Cardiovascular and Related Diseases," the specification of which was filed on June 12, 2001 as reissue application number 09/879,002.
3. I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by the Preliminary Amendment submitted with the reissue application and amended by the Amendments submitted on June 19, 2003, April 27, 2004 and July 8, 2004.
4. I acknowledge the duty to disclose information that is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).
5. I hereby claim foreign priority benefits under Title 35, United States Code, § 119 (a)-(d) or (f), or 365(b). The foreign applications are listed below:

Application No.	Country	Filing Date	Priority Claimed Under
PCT/AU95/00875	PCT	December 22, 1995	35 U.S.C. § 119
PN 0307	Australia	December 22, 1994	35 U.S.C. § 119

Reissue Application for  
U.S. Patent No. 5,911,698  
Issued: June 15, 1999  
*Substitute Declaration for Reissue  
Application by Inventors*

## **I. STATEMENT OF INOPERABILITY OR INVALIDITY AND OCCURRENCE OF THE ERRORS**

6. I verily believe the original patent, which matured from application Serial No. 08/849,543 ("the Application"), to be partly inoperative or invalid for the following reasons.

- a. The '698 Patent is partly inoperative or invalid by reason of a failure to name the correct inventive entity. The '698 patent failed to name Bill Elliot Cham as an inventor. This error arose without any deceptive intention on the part of the Applicants.
- b. The '698 Patent is partly inoperative or invalid by reason of the patentee claiming more or less than the patentee had the right to claim in the patent, specifically the number and scope of the claims in the '698 Patent is insufficient to comprehensively cover the features of the invention. For example, the claims failed to include a method in which the delipidated fraction is not recombined with the blood cells and/or returned to the subject. This feature is fully supported by the specification, and thus Applicants had a right to claim such a feature. Claims 22-47 have been added to recite this additional feature not captured by the originally issued claims.

## **II. STATEMENT OF LACK OF DECEPTIVE INTENT**

7. All errors which are being corrected in the present reissue application, and that are not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the Applicants.

8. I authorize the U.S. attorneys or agents associated with the customer number provided below to accept and follow instructions from my employer (if I am an employee and this application has been or will be assigned to my employer) or the entity with which I have contracted (if I am an independent contractor and this application has been or will be assigned to such entity), as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys or agents associated with the customer number provided below will be so notified by the undersigned.

As a named inventor, I hereby revoke all prior powers and appoint the practitioners associated with \_\_\_\_\_ to prosecute this application and transact all

**CUSTOMER NO.  
23370**

Reissue Application for  
U.S. Patent No. 5,911,698  
Issued: June 15, 1999  
Substitute Declaration for Reissue  
Application by Inventors

business in the United States Patent and Trademark Office connected therewith.


I acknowledge that the attorneys and agents associated with the aforementioned customer number are with Kilpatrick Stockton LLP and represent my employer (if I am an employee and this application has been or will be assigned to my employer) or the entity with which I have contracted (if I am an independent contractor and this application has been or will be assigned to such entity) and in such cases do not represent me individually. I further acknowledge I have not established, nor will I seek to establish, any personal attorney/client relationship with Kilpatrick Stockton LLP in connection with this application and understand that, should I require legal representation, I will obtain such, at my expense, other than through Kilpatrick Stockton LLP.


Send Correspondence to: John S. Pratt, Esq.  
Kilpatrick Stockton LLP  
1100 Peachtree Street, Suite 2800  
Atlanta, Georgia 30309-4530

CUSTOMER NO.  
23370

Direct telephone calls to: Aleta A. Mills (404) 815-6409

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of joint inventor: Karim Rouan Cham	Citizenship: The Netherlands
Residence and Mailing Address: 27 Double Jump Road, Redland Bay, Queensland 4165, Australia	
Inventor's signature: 	Date: 9-2-2005

Full name of joint inventor: Bill Elliot Cham	Citizenship: The Netherlands
Residence and Mailing Address: 190 383 Woodlands Drive, Sheldon, Queensland 4157, Australia	
Inventor's signature: 	Date: 9-2-2005

ATLJ001 2001241